

1976

## c 57 The City of Thunder Bay Amendment Act, 1976 (No. 2)

Ontario

© Queen's Printer for Ontario, 1976

Follow this and additional works at: [http://digitalcommons.osgoode.yorku.ca/ontario\\_statutes](http://digitalcommons.osgoode.yorku.ca/ontario_statutes)

---

### Bibliographic Citation

*The City of Thunder Bay Amendment Act, 1976 (No. 2)*, SO 1976, c 57

### Repository Citation

Ontario (1976) "c 57 The City of Thunder Bay Amendment Act, 1976 (No. 2)," *Ontario: Annual Statutes*: Vol. 1976, Article 62.

Available at: [http://digitalcommons.osgoode.yorku.ca/ontario\\_statutes/vol1976/iss1/62](http://digitalcommons.osgoode.yorku.ca/ontario_statutes/vol1976/iss1/62)

## CHAPTER 57

### **An Act to amend The City of Thunder Bay Act, 1968-69**

*Assented to June 22nd, 1976*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 4 of section 8 of *The City of Thunder Bay Act, 1968-69*, being chapter 56, is amended by striking out “of such Commission shall become, on that date, assets under the control and management and liabilities of The Hydro-Electric Commission of The Lakehead without compensation” in the fourth, fifth, sixth and seventh lines and inserting in lieu thereof “incurred in connection with the undertaking controlled and managed by such Commission shall become, on that date, assets under the control and management and liabilities incurred in connection with the undertaking of The Hydro-Electric Commission of Thunder Bay, without compensation”. s. 8 (4),  
amended
- (2) Subsection 5 of the said section 8 is amended by striking out “of such Commission shall become, on that date, assets under the control and management and liabilities of The Hydro-Electric Commission of The Lakehead without compensation” in the fifth, sixth, seventh and eighth lines and inserting in lieu thereof “incurred in connection with the undertaking controlled and managed by such Commission shall become, on that date, assets under the control and management of and liabilities incurred in connection with the undertaking of The Hydro-Electric Commission of Thunder Bay, without compensation”. s. 8 (5),  
amended
- (3) The said section 8 is amended by adding thereto the following subsections: s. 8,  
amended
  - (7) Where any real property is held or registered in the name of The Hydro-Electric Commission of the City of Fort William, The Public Utilities Commission of the City Assets  
deemed  
vested

of Port Arthur or The Hydro-Electric Commission of Thunder Bay, such real property shall be deemed to have vested, as at the date of acquisition thereof, in the corporation of the City by or for which such commission was constituted to the same extent as if the title to such real property had been taken in the name of the corporation of the City at the time of the acquisition of such real property.

Title

(8) Title to all real property acquired and placed under the control and management of The Hydro-Electric Commission of Thunder Bay shall be taken and held in the name of the City.

Lands and  
premises  
declared  
assets of  
City

(9) The lands and premises set forth in Schedule A hereto are removed from the control and management of The Hydro-Electric Commission of Thunder Bay and are declared to be assets of the City free and clear of any control or management rights of The Hydro-Electric Commission of Thunder Bay, notwithstanding the provisions of any general or special Act, and the City may sell, lease or otherwise dispose of the said lands and premises without the assent of Ontario Hydro and may retain the proceeds of any such sale, lease or disposition as municipal funds.

Idem

(10) The lands and premises described in Schedule B hereto shall, at such time as they are no longer required for the undertaking of The Hydro-Electric Commission of Thunder Bay, as evidenced by a resolution of such Commission, become assets of the City free and clear of any control or management rights of The Hydro-Electric Commission of Thunder Bay and, notwithstanding the provisions of any general or special Act, the City may then sell, lease or otherwise dispose of the said lands and premises without the assent of Ontario Hydro and may retain the proceeds of any such sale, lease or disposition as municipal funds.

Moneys

(11) The City shall place under the control and management of The Hydro-Electric Commission of Thunder Bay the sum of \$283,300, of which \$5,000 has already been placed under the control and management of such Commission, and the balance of \$278,300 shall be payable on the 1st day of July, 1976, with interest thereon from the 1st day of August, 1970, compounded annually at the rate of 8 per cent, which total amount the City shall be entitled to raise by any means it deems appropriate.

Disposition  
of lands and  
premises

(12) With the exception of the lands and premises set forth in Schedule A hereto, where The Hydro-Electric Commission of Thunder Bay is of the opinion, and so



declares by resolution, that any real property under its control and management is not required for the purposes of The Hydro-Electric Commission of Thunder Bay, unless otherwise agreed upon by the City and the Commission it may be disposed of as follows:

1. In the event that the City wishes to retain such real property for a *bona fide* municipal purpose, it shall compensate The Hydro-Electric Commission of Thunder Bay for such real property at its actual cost, less accrued depreciation as shown on the books of The Hydro-Electric Commission of Thunder Bay, or the assessed value of such real property, whichever is the greater and the City may sell, lease or otherwise dispose of such real property without the assent of Ontario Hydro and may retain the proceeds of any such sale, lease or disposition as municipal funds.
2. In the event that the City does not wish to retain such real property in accordance with paragraph 1, the City shall, as soon as practicable, sell, lease or otherwise dispose of such real property at fair market value and the net proceeds derived from any sale, lease or other disposition of such real property or the compensation paid therefor pursuant to this subsection shall be paid over to The Hydro-Electric Commission of Thunder Bay and shall be applied in accordance with *The Public Utilities Act*.

R.S.O. 1970,  
c. 390

(13) Except as provided in this section, the general provisions of any Act pertaining to a municipal hydro-electric commission shall continue to apply to the City and The Hydro-Electric Commission of Thunder Bay.

Application  
of Acts

2. This Act shall not affect the conveyance by The Hydro-Electric Commission of Thunder Bay to Ontario Hydro dated the 17th day of July, 1975, and registered as Instrument No. 179322 in the Registry Office for the Registry Division of Thunder Bay nor the Lease from Ontario Hydro to The Hydro-Electric Commission of Thunder Bay registered as Instrument No. 182624 in the said Registry Office, nor the Agreement respecting possession of certain lands and premises dated the 28th day of May, 1975, and made between the City and The Hydro-Electric Commission of Thunder Bay.
3. Subsection 3 of section 20 of the said Act is repealed.
4. This Act shall be deemed to have come into force on the 1st day of January, 1970.
5. This Act may be cited as *The City of Thunder Bay Amendment Act, 1976 (No. 2)*.

Conveyance,  
lease and  
agreement  
not  
affected

s. 20 (3),  
repealed

Commence-  
ment

Short title

## SCHEDULE A

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Thunder Bay in the District of Thunder Bay in the Province of Ontario and being composed of the following:

## FIRSTLY:

The whole of Lots Number Fifty-one (51) and Fifty-two (52) on the West Side of May Street and the South Forty-five and Seventy-eight One-hundredths (45.78') feet in perpendicular width throughout from front to rear of Lot Number Fifty-three (53), all in the said City, according to a Plan registered in the Registry Office for the Registry Division of Thunder Bay as Number W-123.

## SECONDLY:

The South Fifteen (15') feet from front to rear of Lot Number One Hundred and Eighty-nine (189) in the Wiley Addition in the said City of Thunder Bay according to a Plan filed in the Office of Land Titles at Thunder Bay as Number WM-13, being a portion of Parcel 1448 in the Register for City of Fort William Freehold.

## THIRDLY:

The North Eighteen (18') feet of Lot Number One Hundred and Eighty-nine (189), the whole of Lot Number One Hundred and Ninety (190) and the South twenty-four (24') feet of Lot Number One Hundred and Ninety-one (191) in the Wiley Addition in the said City of Thunder Bay according to a Plan filed in the Office of Land Titles at Thunder Bay as Number WM-13, being the whole of Parcel 2130 in the Register for City of Fort William Freehold.

## FOURTHLY:

The North fifteen and one-half (15½') feet from front to rear of Lot Number One Hundred and Ninety-one (191) and the whole of Lot Number One Hundred and Ninety-two (192) in the said City of Thunder Bay, according to a Plan filed in the Office of Land Titles at Thunder Bay as Number WM-13, being the whole of Parcel 1449 in the Register for City of Fort William Freehold.

## FIFTHLY:

The Easterly forty-eight (48') feet in the perpendicular width of Lots Numbered One Hundred and Eighty-seven (187) and One Hundred and Eighty-eight (188) in the said City of Thunder Bay, according to a Plan filed in the Office of Land Titles at Thunder Bay as Plan Number WM-13, being a portion of Parcel 1448 in the Register for City of Fort William Freehold.

## SCHEDULE B

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Thunder Bay in the District of Thunder Bay in the Province of Ontario and being composed of the whole of Lots Numbered One Hundred and Eighty-seven (187) and One Hundred and Eighty-eight (188) according to a Plan filed in the Office of Land Titles at Thunder Bay as Number WM-13, saving and excepting the Easterly Forty-eight (48') feet in perpendicular width of the said Lots 187 and 188, being a portion of Parcel 1448 in the Register for City of Fort William Freehold.